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January 12, 2024

VIA ECF

Hon. Edward S. Kiel, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Jr. Bldg. & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *Rensselaer Polytechnic Institute v. Samsung Electronics America, Inc. et al.*
2:19-cv-20097 (KM-ESK)

Dear Judge Kiel:

On behalf of Plaintiff Rensselaer Polytechnic Institute ("Rensselaer"), the undersigned writes to request Your Honor to stay the date for Rensselaer's Reply to Defendants Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. (collectively "Samsung") newly filed Motion for Summary Judgment on Non-Infringement [ECF 174] until after Your Honor rules on Rensselaer's already-pending and fully briefed Motion for Voluntary Dismissal with Prejudice Under FRCP 41(a)(2) [ECF-160] ("Voluntary Dismissal").

Rensselaer filed its Voluntary Dismissal almost six months ago on July 24, 2023, and it seeks dismissal of all of Rensselaer's infringement claims against Samsung with prejudice. On January 5, 2024, mere days before Rensselaer filed its Response in support of its Voluntary Dismissal [ECF 179], Samsung filed its Motion for Summary Judgment. Samsung's Motion for Summary Judgment asks for a dismissal of the same infringement claims that Rensselaer seeks to voluntarily dismiss. If the Voluntary Dismissal is granted, it will not be necessary for the parties to complete the briefing on Samsung's Motion for Summary Judgment or for the Court to consider and rule on it since the two motions relate to the identical infringement claims. This would conserve judicial resources as well as reduce the costs and expenses to the parties. Rensselaer seeks the stay in order to avoid the parties and the Court being required to expend time, energy, and resources on duplicative claims.

The Voluntary Dismissal has been fully briefed by the parties and is in condition to be considered by the Court. Rensselaer believes a stay is warranted to avoid potentially unnecessary briefing.

The parties met and conferred on this issue and Samsung has indicated it will oppose Rensselaer's request for a stay of the date for Rensselaer's reply. During the meet and confer Samsung indicated it is considering requesting leave to file a sur-reply to Rensselaer's Voluntary Dismissal. While Rensselaer does not agree that a sur-reply is necessary or warranted or that new issues were raised in Rensselaer's response, in order to avoid excessive briefing, it will not oppose Samsung's request.

Accordingly, if this request meets Your Honor's approval, we respectfully request that Your Honor endorse the "**SO ORDERED**" section below and have it entered on the docket.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Eric I. Abraham

ERIC I. ABRAHAM

cc: All Counsel of Record (via ECF and e-mail)

SO ORDERED that the deadline for Plaintiff to reply to Defendants' Motion for Summary Judgment [ECF No. 174] is hereby STAYED until further Order of the Court.

Hon. Edward S. Kiel, U.S.M.J

Dated: January ___, 2024